

DOCKET NO. NL 000211 (PHIL06-00211)
U.S. SERIAL NO. 09/837,937
PATENT

REMARKS

Claims 1-20 were pending in this application.

Claims 1-20 have been rejected.

No claims have been allowed.

Claims 1-20 have been amended as shown above.

Claims 1-20 remain pending in this application.

Reconsideration and full allowance of Claims 1-20 are respectfully requested.

I. AMENDMENTS TO CLAIMS

The Applicants have amended Claims 1-20 to remove the reference numbers in the claims. These amendments do not alter the scope of the claims and therefore comply with 37 C.F.R. § 1.116. The Applicants have also amended Claims 1-20 to correct various antecedent basis problems noted by the Applicants. These amendments also comply with 37 C.F.R. § 1.116. In addition, the Applicants have rewritten Claims 8, 9, 17, and 19 to remove the references to Claims 1 or 2. These amendments incorporate all elements recited in Claims 1 or 2, so these amendments comply with 37 C.F.R. § 1.116.

II. REJECTION UNDER 35 U.S.C. § 102

The Office Action rejects Claims 1-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,122,791 to Gibbons et al. ("*Gibbons*"). This rejection is respectfully traversed.

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A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Gibbons recites a display device that includes a matrix of liquid crystal elements. (*Abstract*). Each of the liquid crystal elements can be set between two states, one state allowing the transmission of light and another state blocking the transmission of light. (*Col. 1, Lines 15-20*). The display device also includes three sets of "fluorescent tubes" that generate light. (*Col. 3, Lines 54-57*).

arguments { As acknowledged in the Office Action, *Gibbons* simply recites the use of fluorescent tubes to generate light for the display device. (*Office Action, Page 2*). *Gibbons* lacks any mention of using a "light source" that comprises "at least three sets of light-emitting diodes" as recited in the independent claims. In fact, *Gibbons* fails to mention of the use of any light-emitting diode in any way in the display device. As a result, *Gibbons* fails to anticipate these elements of the independent claims.

Moreover, the Office Action asserts that a portion of *Gibbons* (column 6, lines 21-47) anticipates a control circuit capable of driving the "luminous fluxes of the light-emitting diodes" as recited in the independent claims. However, the cited portion of *Gibbons* simply recites that a light switch unit (element 39) can repeatedly activate the fluorescent tubes for different durations of time, where the fluorescent tubes are activated "at the same intensity." (*Col. 6, Lines 40-41*). This portion

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of *Gibbons* lacks any mention of driving a "luminous flux." In fact, *Gibbons* only mentions "flux" by reciting that the fluorescent tubes are contained in a "housing designed to provide a uniform flux of each colour in the display." (*Col. 5, Lines 12-14*). As a result, the Office Action does not establish that *Gibbons* anticipates the use of a control circuit that drives the "luminous fluxes of the light-emitting diodes" as recited in the independent claims.

For these reasons, *Gibbons* fails to anticipate the Applicants' invention as recited in Claims 1-20. Accordingly, the Applicants respectfully request withdrawal of the § 102 rejection and full allowance of Claims 1-20.

III. CONCLUSION

For the reasons given above, the Applicants respectfully request reconsideration and full allowance of all pending claims and that this application be passed to issue.

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SUMMARY

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at wmunck@davismunck.com.

No fees are believed to be necessary for the prosecution of this application. If any fees are necessary, however, please charge the fees to Deposit Account No. 50-0208. No extension of time is believed to be necessary. If an extension of time is needed, however, the extension is requested. Please charge the fee for the extension to Deposit Account No. 50-0208.

Respectfully submitted,

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